

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Fredy Luna Martinez, Jaime Lopez Cruz  
and Miguel Elescano,

Individually, and on behalf of all others similarly situated as Class Representatives,

Plaintiffs,

V.

K&P Facilities Maintenance Inc. and Carlos  
Espinoza,

Defendants.

Case No.: 21-cv-9987

## JUDGMENT

Plaintiffs Fredy Luna Martinez, Jaime Lopez Cruz, Miguel Elescano, Luz Elescano, Cristian Torres, Rosa Villagary, Jacinto Animas, and Mario Alvarez (“Represented Plaintiffs”) and Defendants K&P Facilities Maintenance Inc. and Carlos Espinoza (“Defendants”) by counsel, having reached a settlement in the above-referenced case; and having entered into a Settlement Agreement resolving the claims of the Represented Plaintiffs; and having modified their Settlement Agreement twice, on June 1, 2022 and July 19, 2022; and having, in their second stipulation amending the Settlement Agreement, stipulated to entry of judgment this case; and

This Court having reviewed and approved the Settlement Agreement and the first and second amendments to the Settlement Agreement by the Represented Plaintiffs and the Defendants;

NOW, on the application of counsel for all parties, it is hereby ADJUDGED that:

(1) The Represented Plaintiffs have judgment and do recover of Defendants K&P Facilities Maintenance, Inc. and Carlos Espinoza, jointly and severally, the sum of \$199,000 (the “Settlement Amount”) to be paid as follows:

- a. Defendants shall make initial settlement payments totaling \$100,000 to the Represented Plaintiffs, which shall be paid as follows:
  - i. by checks payable to Represented Plaintiffs and to Represented Plaintiffs’ counsel in specific amounts designated by Represented Plaintiffs’ counsel and for which Defendants have received IRS Forms W-9, which shall be sent by overnight delivery to counsel for the Represented Plaintiffs for receipt no later than Thursday, July 21, 2022; and
  - ii. by checks payable to Represented Plaintiffs in specific amounts designated by Represented Plaintiffs’ counsel and for which Defendants will have received IRS Forms W-4, which shall be provided to Represented Plaintiffs’ counsel within 2 business days of Defendants’ counsel’s receipt of the IRS Forms W-4.
- b. Thereafter, Defendants shall make monthly payments totaling \$16,500 each month for six consecutive months, with payments to be received by counsel for the Represented Plaintiffs on or before the 20<sup>th</sup> of each month. Provided that Defendants receive IRS Forms W-4 from the Represented Plaintiffs, the first such payments are to be received by counsel for the Represented Plaintiffs no later than

August 20, 2022, and the last such payments are to be received no later than January 20, 2023.

- c. Pursuant to Fed. R. Civ. P. 62(a), enforcement of this Judgment by the Represented Plaintiffs shall be stayed unless and until Defendants default and fail to timely cure said default.
- d. Within seven days after the payment of the final installment payment of \$16,500.00, the Represented Plaintiffs shall file a Satisfaction of Judgment with the Clerk of this Court and with any other court where this Judgment may be entered.
- e. In the event that the Represented Plaintiffs fail to timely file the Satisfaction(s) of Judgment, they will be permitted to cure such default within 7 days upon email notice from counsel for Defendants to counsel for the Represented Plaintiffs. In the event that this default is not cured, Defendants shall be entitled to recover from the Represented Plaintiffs their reasonable attorneys' fees and costs incurred in connection with any application that Defendants must file to seek relief from, satisfy, and/or extinguish this Judgment.
- f. In the event that Defendants default on any of the above payment obligations, Defendants will be permitted to cure such default within 7 days upon e-mail notice from counsel for Represented Plaintiffs to counsel for Defendants.

- (2) In the event of default by Defendants which is not timely cured, the Court will entertain an Amended Judgment against Defendants, upon the affidavit of Represented Plaintiffs' counsel establishing the default, failure to cure, and amount of the judgment to be entered, as follows:
- a. the total judgment amount shall automatically increase to \$348,250 minus any payments already made, and
  - b. post-judgment interest shall accrue at the statutory rate provided for in 28 U.S.C. §1961, running from the date of default, and
  - c. Represented Plaintiffs shall be entitled to reasonable attorneys' fees and costs associated with enforcement of this Judgment, and
  - d. The Represented Plaintiffs have judgment therefor.

*PMH*

Dated: White Plains, New York  
July 21, 2022

*PMH*

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Philip M. Halpern  
United States District Judge